



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 21, 1992

Ms. Glenda Robinson Nell
Associate General Counsel
Texas Tech University
Texas Tech University Health Sciences Center
P. O. Box 42021
Lubbock, Texas 79409-2021

OR92-701

Dear Ms. Nell:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18291.

Texas Tech University (the "university") has received a request for information relating to a certain student organization event that occurred on October 9, 1992. Specifically, the requestor seeks "all photographs, and other materials related to disciplinary actions against a fraternity and campus organization stemming from their involvement in a party with the theme of 'Party in the Projects.'" In addition, the requestor seeks information relating to the "disciplinary penalties handed these campus groups as well as any efforts that are currently underway at Texas Tech University to avoid a repeat of this abominable behavior and foster better cultural and racial understanding among the students at Texas Tech."

You have submitted to us for review representative samples of the information that you assert is responsive to the request, including, *inter alia*, notices of charges to Pi Kappa Alpha and the Fashion Board, documents relating to the hearing of November 4, 1992, various interagency memoranda, statements of complainants, parties, and witnesses, notices of appeal to the University Discipline Committee, and various other documents. You advise us that the names of the persons participating in the November 4, 1992, committee meeting and the time and location of the meeting have been made available to the requestor. You claim, however, that the committee is not a governmental body within section 2(1) of the Open Records Act. In the alternative, you claim that the requested information is excepted from required public disclosure by sections 3(a)(1), 3(a)(3), 3(a)(11), 3(a)(14), and 14(e) of the Open Records Act.

Almost all of the requested information was at issue in Open Records Letter OR92-700 (1992) (copy enclosed), in which this office determined that only the portions

of the requested information that identified or would tend to identify students was excepted from required public disclosure under section 3(a) of the Open Records Act. You must release that information in accordance with Open Records Letter OR92-700.

In Open Records Letter OR92-700, we noted that the following documents were generated after the university received the request for information at issue there and thus were not subject to required public disclosure:

Hearing Procedures (Short Form) (Exhibit A-6)

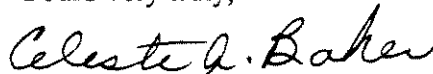
A letter to the university from the attorney representing Fashion Board (Exhibit D-1)

A letter to the university from Pi Kappa Alpha (Exhibit D-2)

See Open Records Decision No. 452 (1986). Because the request for information at issue here post-dates the generation of these three documents, they must be released to the extent that they do not identify students. We conclude here as we did in Open Records Letter OR92-700 that the University Disciplinary Committee is a governmental body within section 2(1)(A) of the Open Records Act and similarly rule that most of the three documents may not be withheld from required public disclosure under sections 3(a)(1), 3(a)(3), 3(a)(14), and 14(e) of the Open Records Act. We refer you to the enclosed copy of Open Records Letter OR92-700 for our reasoning on these issues. For your convenience, we have marked the portions of the three documents that must be withheld from required public disclosure under section 3(a)(1) of the Open Records Act in conjunction with the Federal Educational Rights and Privacy Act, 20 U.S.C. § 1232g. The remaining portions of the three documents must be released in their entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-701.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/lmm

Enclosures: Open Records Letter OR92-700

Ref.: ID# 18291

cc: The Honorable Ron Wilson
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